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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,961	12/30/1999	TIMOTHY JAY SMITH	9D-EC-19335	7120

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EXAMINER
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SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/475,961	SMITH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shannon S. Saliard	3639	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/19/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 June 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 15, 26, 40, 41, and 51 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1-25 and 41-60** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims, as currently recited, appear to be directed to nothing more than a series of steps including calculating, determining, and allowing an order change without any tangible result and are therefore deemed to be non-statutory.

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A claimed invention is deemed to be statutory, if the claimed invention produces a useful, concrete, and tangible result. An invention, which is eligible for patenting under 35 U.S.C. 101, is in the "useful arts" when it is a machine, manufacture, process or composition of matter, which produces a concrete, tangible, and useful result. The fundamental test for patent eligibility is thus to determine whether the claimed invention produces a "use, concrete and tangible result". See *AT&T v. Excel Communications Inc.*, 172 F.3d at 1358, 50 USPQ2d at 1452 and *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d at 1373, 47 USPQ2d at 1601 (Fed. Cir. 1998). The test for practical application as applied by the examiner involves the determination of the following factors"

- (a) "Useful" – The Supreme Court in *Diamond v. Diehr* requires that the examiner look at the claimed invention as a whole and compare any asserted utility with the claimed invention to determine whether the asserted utility is accomplished. Applying utility case law the examiner will note that:
  - i. the utility need not be expressly recited in the claims, rather it may be inferred.
  - ii. if the utility is not asserted in the written description, then it must be well established.
- (b) "Tangible" – Applying *In re Warmerdam*, 33 F.3d 1354, 31 USPQ2d 1754 (Fed. Cir. 1994), the examiner will determine whether there is simply a mathematical construct claimed, such as a disembodied data structure and method of making it. If so, the claim involves no more than a manipulation of

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an abstract idea and therefore, is nonstatutory under 35 U.S.C. 101. In *Warmerdam* the abstract idea of a data structure became capable of producing a useful result when it was fixed in a tangible medium, which enabled its functionality to be realized.

- (c) "Concrete" – Another consideration is whether the invention produces a "concrete" result. Usually, this question arises when a result cannot be assured. An appropriate rejection under 35 U.S.C. 101 should be accompanied by a lack of enablement rejection, because the invention cannot operate as intended without undue experimentation.

In the present case, the claimed invention allows an order change to be made (i.e., concrete) when managing a delivery schedule (i.e., useful). While the invention may be concrete and/or useful, there does not appear to be any tangible result.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1, 15, 26, 40, 41, and 51** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

W.R.T. **claims 1, 15, 26, 40, 41, and 51**, the limitation "an order change" as recited is vague and indefinite. It is unclear to the Examiner if "an order change" refers

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to the previously mentioned order or a new/different order. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Juedes et al. (WO 01/13261) in view of Kirsch (US 5,963,915) and Marks (US 6,876,977).

W.R.T. **Claim 1**, Juedes et al. discloses a method for managing the delivery of an order from at least one supplier to a delivery agent, and from the agent to a buyer, comprising the steps of (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof): calculating a first potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof); determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.); and determining a delivery date to the buyer

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when there is sufficient delivery agent capacity to ship the order to the buyer's address (see Supra Figs. 11-15).

However, Juedes et al. does not expressly disclose the method including allowing an order change to be made by a user that is authorized by one of the delivery agent, the buyer, the at least one supplier, a store, or a logistics intermediary, wherein allowance of the order change is based on: (a) type of order change, (b) whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or logistics intermediary, and a (c) a level of the user. Marks teaches that a user can make an order change wherein the change is allowed based on type of order change (review, edit, change order), whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or the logistic intermediary, and a level of the user (Tables I & II, col 5, lines 5-55; col 10, lines 20-67). However, Marks does not disclose wherein the allowance of an order change is based on a security code.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a security code (see col. 5, lines 22-27; col. 14, lines 20-65). Since Juedes et al., Kirsch, and Marks are both from the same field of endeavor, the purpose disclosed by Kirsch and Marks would have been well recognized in the pertinent field of Juedes et al. Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of Juedes et al. such that the method includes the step of allowing an order change to be made based on type of order change, whether the user is acting as the delivery agent, the buyer, the at least

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one supplier, the store, or logistics intermediary, a level of the user, and a security code, as taught by Kirsch and Marks, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 2:** The modified method of Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 3:** The modified method of Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 4:** The modified method of Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.).

W.R.T. **Claim 5:** The modified method of Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).



W.R.T. **Claim 6:** The modified method of Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

W.R.T. **Claim 7:** The modified method of Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 8:** The modified method of Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see Id.).

W.R.T. **Claim 9:** The modified method of Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 10:** The modified method of Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

W.R.T. **Claim 11:** The modified method of Juedes et al. further discloses the method, wherein the step of allowing order changes to be made further includes the step of allowing an order change to be made using an external order interface (see Figs. 1-2 and Supra columns of Kirsch).

W.R.T. **Claim 12:** The modified method of Juedes et al. further discloses the method including the step of updating the electronic manifest with status information (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 13:** The modified method of Juedes et al. further discloses the method including the step of running the delivery management system when a reschedule has been requested (see Id.).

W.R.T. **Claim 14:** The modified method of Juedes et al. further discloses the method, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 15,** Juedes et al. discloses a method comprising the steps of (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof): calculating a first potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof); determining the ability of the respective delivery agent to ship the order within a set of potential delivery dates based on the first potential arrival date request and the first date a delivery agent is prepared to ship the good', and selecting the actual delivery date from the set of potential delivery dates (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof).

However, Juedes et al. does not expressly disclose the method including allowing an order change to be made by a user that is authorized by one of the delivery agent, the buyer, the at least one supplier, a store, or a logistics intermediary, wherein

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allowance of the order change is based on: (a) type of order change, (b) whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or logistics intermediary, and a (c) a level of the user. Marks teaches that a user can make an order change wherein the change is allowed based on type of order change (review, edit, change order), whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or the logistic intermediary, and a level of the user (Tables I & II, col 5, lines 5-55; col. 10, lines 20-67). However, Marks does not disclose wherein the allowance of an order change is based on a security code.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a security code (see col. 5, lines 22-27; col. 14, lines 20-65). Since Juedes et al., Kirsch, and Marks are both from the same field of endeavor, the purpose disclosed by Kirsch and Marks would have been well recognized in the pertinent field of Juedes et al. Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of Juedes et al. such that the method includes the step of allowing an order change to be made based on type of order change, whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or logistics intermediary, a level of the user, and a security code, as taught by Kirsch and Marks, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 16:** The modified method of Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step

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of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6', Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 17**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.).

W.R.T. **Claim 18**: The modified method of Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.).

W.R.T. **Claim 19**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6', Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 20**: The modified method of Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

W.R.T. **Claim 21**: The modified method of Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.).

W.R.T. **Claim 22**: The modified method of Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the

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zip code and brand of good ordered (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 23:** The modified method of Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.).

W.R.T. **Claim 24:** The modified method of Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

W.R.T. **Claim 25:** The modified method of Juedes et al. further discloses the method, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 26,** Juedes et al. discloses a computer program storage medium readable by a computer system and encoding a computer program of instructions for executing a computer process, the computer process comprising the steps of (see pages 4-6, Tables 1-14', Figs. 1-18 and the descriptions thereof): determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address', determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request, and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see Id.).

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However, Juedes et al. does not expressly disclose the method including allowing an order change to be made by a user that is authorized by one of the delivery agent, the buyer, the at least one supplier, a store, or a logistics intermediary, wherein allowance of the order change is based on: (a) type of order change, (b) whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or logistics intermediary, and a (c) a level of the user. Marks teaches that a user can make an order change wherein the change is allowed based on type of order change (review, edit, change order), whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or the logistic intermediary, and a level of the user (Tables I & II, col. 5, lines 5-55, col. 10, lines 20-67). However, Marks does not disclose wherein the allowance of an order change is based on a security code.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a security code (see col. 5, lines 22-27; col. 14, lines 20-65). Since Juedes et al., Kirsch, and Marks are both from the same field of endeavor, the purpose disclosed by Kirsch and Marks would have been well recognized in the pertinent field of Juedes et al. Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of Juedes et al. such that the method includes the step of allowing an order change to be made based on type of order change, whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or logistics intermediary, a level of the user, and a security code,

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as taught by Kirsch and Marks, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 27:** The modified process of Juedes et al. further discloses the process, wherein the step of calculating the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 28:** The modified process of Juedes et al. further discloses the process, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.).

W.R.T. **Claim 29:** The modified process of Juedes et al. further discloses the process including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.).

W.R.T. **Claim 30:** The modified process of Juedes et al. further discloses the process, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 31:** The modified process of Juedes et al. further discloses the process including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

W.R.T. **Claim 32:** The modified process of Juedes et al. further discloses the process including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.).



W.R.T. **Claim 33:** The modified process of Juedes et al. further discloses the process including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 34:** The modified process of Juedes et al. further discloses the process including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.).

W.R.T. **Claim 35:** The modified process of Juedes et al. further discloses the process including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

W.R.T. **Claim 36:** The modified process of Juedes et al. further discloses the process, wherein the step of allowing order changes to be made further includes the step of allowing an order change to be made using an external order interface (see Figs. 1-2 and Supra columns of Kirsch).

W.R.T. **Claim 37:** The modified process of Juedes et al. further discloses the process including the step of updating the electronic manifest with status information (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 38:** The modified process of Juedes et al. further discloses the process including the step of running the delivery management schedule when a reschedule has been requested (see Id.).

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W.R.T. **Claim 39**: The modified process of Juedes et al. further discloses the process, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 40**, Juedes et al. discloses an apparatus comprising (see pages 4-6., Tables 1-14, Figs. 1-18 and the descriptions thereof: means for determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof; means for determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.); means for determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof); and means for updating an electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

However, Juedes et al. does not expressly disclose the method including allowing an order change to be made by a user that is authorized by one of the delivery agent, the buyer, the at least one supplier, a store, or a logistics intermediary, wherein allowance of the order change is based on: (a) type of order change, (b) whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or logistics intermediary, and a (c) a level of the user. Marks teaches that a user can make an order change wherein the change is allowed based on type of order change (review, edit, change order), whether the user is acting as the delivery agent, the buyer, the at

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least one supplier, the store, or the logistic intermediary, and a level of the user (Tables I & II, col. 5, lines 5-55, col. 10, lines 20-67). However, Marks does not disclose wherein the allowance of an order change is based on a security code.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a security code (see col. 5, lines 22-27; col. 14, lines 20-65). Since Juedes et al., Kirsch, and Marks are both from the same field of endeavor, the purpose disclosed by Kirsch and Marks would have been well recognized in the pertinent field of Juedes et al. Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of Juedes et al. such that the method includes the step of allowing an order change to be made based on type of order change, whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or logistics intermediary, a level of the user, and a security code, as taught by Kirsch and Marks, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 41**, Juedes et al. discloses a method comprising the steps of (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof: calculating a first potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof); determining the ability of the respective delivery agent to ship the multiple brand order from the at least two suppliers based on the first potential arrival date request, and determining a delivery date to the

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buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address.

However, Juedes et al. does not expressly disclose the method including allowing an order change to be made by a user that is authorized by one of the delivery agent, the buyer, the at least one supplier, a store, or a logistics intermediary, wherein allowance of the order change is based on: (a) type of order change, (b) whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or logistics intermediary, and a (c) a level of the user. Marks teaches that an authorized user can make an order change wherein the change is allowed based on type of order change (review, edit, change order), whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or the logistic intermediary, and a level of the user (Tables I & II, col. 5, lines 5-55, col. 10, lines 20-67). However, Marks does not disclose wherein the allowance of an order change is based on a security code.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a security code (see col. 5, lines 22-27; col. 14, lines 20-65). Since Juedes et al., Kirsch, and Marks are both from the same field of endeavor, the purpose disclosed by Kirsch and Marks would have been well recognized in the pertinent field of Juedes et al. Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of Juedes et al. such that the method includes the step of allowing an order change to be made based on type of order change, whether the user is acting as the delivery agent, the buyer, the at least

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one supplier, the store, or logistics intermediary, a level of the user, and a security code, as taught by Kirsch and Marks, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 42:** The modified method of Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof);

W.R.T. **Claim 43:** The modified method of Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.).

W.R.T. **Claim 44:** The modified method of Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

W.R.T. **Claim 45:** The modified method of Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 46:** The modified method of Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

W.R.T. **Claim 47**: The modified method of Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.).

W.R.T. **Claim 48**: The modified method of Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 49**: The modified method of Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.).

W.R.T. **Claim 50**: The modified method of Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

W.R.T. **Claim 51**, Juedes et al. discloses a method comprising the steps of (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof: calculating a first potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer's address (see Supra Claims); determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.); and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see Id.).

However, Juedes et al. does not expressly disclose the method including allowing an order change to be made by a user that is authorized by one of the delivery agent, the buyer, the at least one supplier, a store, or a logistics intermediary, wherein allowance of the order change is based on: (a) type of order change, (b) whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or logistics intermediary, and a (c) a level of the user. Marks teaches that a user can make an order change wherein the change is allowed based on type of order change (review, edit, change order), whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or the logistic intermediary, and a level of the user (Tables I & II, col. 5, lines 5-55; col. 10, lines 20-67). However, Marks does not disclose wherein the allowance of an order change is based on a security code.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a security code (see col. 5, lines 22-27; col. 14, lines 20-65). Since Juedes et al., Kirsch, and Marks are both from the same field of endeavor, the purpose disclosed by Kirsch and Marks would have been well recognized in the pertinent field of Juedes et al. Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of Juedes et al. such that the method includes the step of allowing an order change to be made based on type of order change, whether the user is acting as the delivery agent, the buyer, the at least one supplier, the store, or logistics intermediary, a level of the user, and a security code,



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as taught by Kirsch and Marks, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 52:** The modified method of Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 53:** The modified method of Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.).

W.R.T. **Claim 54:** The modified method of Juedes et al further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.).

W.R.T. **Claim 55:** The modified method of Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6; Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 56:** The modified method of Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).



W.R.T. **Claim 57**: The modified method of Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.).

W.R.T. **Claim 58**: The modified method of Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 59**: The modified method of Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.).

W.R.T. **Claim 60**: The modified method of Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

### ***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of

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the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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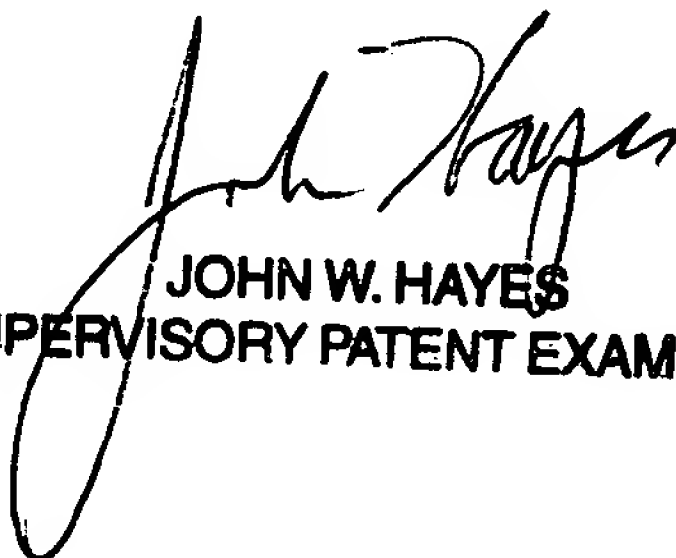
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